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C O N F I D E N T I A L ISLAMABAD 001295

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TAGS: [PGOV](#) [PHUM](#) [PK](#) [PREL](#)
SUBJECT: DETAINED JUDGES ARE RELEASED

REF: A. ISLAMABAD 1271
[1](#)B. ISLAMABAD 1212

Classified By: Political Counselor Candace Putnam, Reasons 1.4 (b), (d)

[1](#)1. (U) Summary. On March 24, former Supreme Court Chief Justice Iftikhar Mohammad Chaudhry, seven other deposed Supreme Court justices, and three provincial high court judges were released from five months of house arrest by police. This announcement to release the deposed judges was the first act by the Prime Minister-elect Yousef Raza Gillani in an address to the National Assembly, moments after they elected him to office. In an address to supporters and the media, Chaudhry assured the crowd that he and his colleagues would proceed cautiously with their attempt to be reinstated to the bench. End Summary.

[1](#)2. (U) Moments after his resounding election by the National Assembly as the twenty-fifth Prime Minister of Pakistan (Ref A) on March 24, Prime Minister-elect Yousef Raza Gillani called for the immediate release of all the judges who remained detained since the November 3, 2007 proclamation of emergency by President Musharraf. Although Gillani was not yet the prime minister, the police proceeded to remove the barriers around the judges' homes and allowed them to go free following the announcement. This release includes eight Supreme Court and three provincial high court judges. In his first address to the National Assembly, Gillani noted that his government will be one of rule of law and respect for the Constitution and that this new government had to begin with the release of these deposed judges.

[1](#)3. (U) Within the Judges' Enclave in Islamabad, supporters of the former Chief Justice Iftikhar Mohammad Chaudhry gathered to welcome his release after five months under house arrest. Joined by recently released Aitzaz Ahsan, president of the Pakistan Supreme Court Bar Association, and Tariq Mehmood, a Supreme Court lawyer, Chaudhry addressed supporters, political activists, and the media, saying that he and his colleagues planned to proceed cautiously with their charge to be reinstated to the bench (Ref B).

[1](#)4. (U) In a press conference on March 25, Pakistan Muslim League - Nawaz (PML-N) Chairman, Nawaz Sharif, announced that the deposed judges would be reinstated according to the Murree Declaration. Under this unofficial declaration, which was signed in early March by the leaders of the PML-N, the Pakistan People's Party (PPP), and other smaller political parties, the judges are to be reinstated within thirty days of the new government being formed.

¶5. (U) Celebrations also took place in Lahore and Karachi, where crowds gathered to support the release of the provincial high court judges.

¶6. (C) Comment. The Pakistan People's Party (PPP) made a deliberate decision to have the PM-elect call for the release of the judges as one of his first priorities. But restoration of the deposed judges will be a slower and much more complicated process. The Murree Declaration notwithstanding, PPP leader Asif Zardari is seeking a formula that will allow all of the deposed judges except Chaudhry to return to the bench. Zardari tells us he has Nawaz Sharif's agreement to proceed with this plan, but to date no one is quite sure how to achieve it.
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